

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABBY CHAMPION, et al.,

Plaintiffs,

- against -

MODA OPERANDI, INC., ADVANCE
PUBLICATIONS, INC. d/b/a CONDE NAST,
ADVANCE MAGAZINE PUBLISHERS, INC.,
d/b/a CONDE NAST,

Defendants.

x

1:20-CV-07255-CM

**ANSWER AND COUNTERCLAIM
OF DEFENDANTS ADVANCE
PUBLICATIONS, INC., d/b/a
CONDE NAST AND ADVANCE
MAGAZINE PUBLISHERS, INC.,
d/b/a CONDE NAST**

x

Defendants Advance Publications, Inc. d/b/a Conde Nast and Advance Magazine Publishers, Inc. d/b/a Conde Nast (collectively “Conde Nast”), by and through its undersigned attorneys, Davis Wright Tremaine, LLP, hereby answers Plaintiffs’ Complaint (the “Complaint”)¹ and asserts its own Counterclaim against Plaintiffs, as follows:

AS TO THE PARTIES

1. Paragraph 1 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Complaint and, on that basis, denies the allegations in Paragraph 1 and demands strict proof of Plaintiffs’ citizenship.

¹ Certain of the allegations in the Complaint to which this Answer responds have been dismissed pursuant to the Court’s Memorandum and Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss (the “Order”). See Dkt. 51. To the extent that certain allegations in the Complaint have been dismissed, no response is required. However, as of the filing of this Answer, Plaintiffs have not amended their Complaint to remove claims that were dismissed by the Court as nonactionable as a matter of law. Thus, Conde Nast responds as follows herein. Conde Nast is not waiving any rights or defenses by responding throughout this Answer to the dismissed causes of action or the allegations supporting them.

2. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Complaint and, on that basis, denies the allegations in Paragraph 2 and demands strict proof of Plaintiffs' citizenship.

3. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Complaint and, on that basis, denies the allegations in Paragraph 3 and demands strict proof of Plaintiffs' citizenship.

4. Paragraph 4 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Complaint and, on that basis, denies the allegations in Paragraph 4 and demands strict proof of Plaintiffs' citizenship.

5. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Complaint and, on that basis, denies the allegations in Paragraph 5 and demands strict proof of Plaintiffs' citizenship.

6. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Complaint and, on that basis, denies the allegations in Paragraph 6 and demands strict proof of Plaintiffs' citizenship.

7. Paragraph 7 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Complaint and, on that basis, denies the allegations in Paragraph 7 and demands strict proof of Plaintiffs' citizenship.

8. Paragraph 8 of the Complaint contains allegations regarding a Plaintiff who has

been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Complaint and, on that basis, denies the allegations in Paragraph 8 and demands strict proof of Plaintiffs' citizenship.

9. Paragraph 9 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 9 of the Complaint and, on that basis, denies the allegations in Paragraph 9 and demands strict proof of Plaintiffs' citizenship.

10. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 10 of the Complaint and, on that basis, denies the allegations in Paragraph 10 and demands strict proof of Plaintiffs' citizenship.

11. Paragraph 11 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 11 of the Complaint and, on that basis, denies the allegations in Paragraph 11 and demands strict proof of Plaintiffs' citizenship.

12. Paragraph 12 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 12 of the Complaint and, on that basis, denies the allegations in Paragraph 12 and demands strict proof of Plaintiffs' citizenship.

13. Conde Nast denies knowledge or information sufficient to form a belief as to the

truth or falsity of the allegations in Paragraph 13 of the Complaint and, on that basis, denies the allegations in Paragraph 13 and demands strict proof of Plaintiffs' citizenship.

14. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 14 of the Complaint and, on that basis, denies the allegations in Paragraph 14 and demands strict proof of Plaintiffs' citizenship.

15. Paragraph 15 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 15 of the Complaint and, on that basis, denies the allegations in Paragraph 15 and demands strict proof of Plaintiffs' citizenship.

16. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 16 of the Complaint and, on that basis, denies the allegations in Paragraph 16 and demands strict proof of Plaintiffs' citizenship.

17. Paragraph 17 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 17 of the Complaint and, on that basis, denies the allegations in Paragraph 17 and demands strict proof of Plaintiffs' citizenship.

18. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 18 of the Complaint and, on that basis, denies the allegations in Paragraph 18 and demands strict proof of Plaintiffs' citizenship.

19. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 19 of the Complaint and, on that basis, denies the

allegations in Paragraph 19 and demands strict proof of Plaintiffs' citizenship.

20. Paragraph 20 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 20 of the Complaint and, on that basis, denies the allegations in Paragraph 20 and demands strict proof of Plaintiffs' citizenship.

21. Paragraph 21 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 21 of the Complaint and, on that basis, denies the allegations in Paragraph 21 and demands strict proof of Plaintiffs' citizenship..

22. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 22 of the Complaint and, on that basis, denies the allegations in Paragraph 22 and demands strict proof of Plaintiffs' citizenship.

23. Paragraph 23 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 23 of the Complaint and, on that basis, denies the allegations in Paragraph 23 and demands strict proof of Plaintiffs' citizenship.

24. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 24 of the Complaint and, on that basis, denies the allegations in Paragraph 24 and demands strict proof of Plaintiffs' citizenship.

25. Conde Nast denies knowledge or information sufficient to form a belief as to the

truth or falsity of the allegations in Paragraph 25 of the Complaint and, on that basis, denies the allegations in Paragraph 25 and demands strict proof of Plaintiffs' citizenship.

26. Paragraph 26 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 26 of the Complaint and, on that basis, denies the allegations in Paragraph 26 and demands strict proof of Plaintiffs' citizenship.

27. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 27 of the Complaint and, on that basis, denies the allegations in Paragraph 27 and demands strict proof of Plaintiffs' citizenship.

28. Paragraph 28 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 28 of the Complaint and, on that basis, denies the allegations in Paragraph 28 and demands strict proof of Plaintiffs' citizenship.

29. Paragraph 29 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 29 of the Complaint and, on that basis, denies the allegations in Paragraph 29 and demands strict proof of Plaintiffs' citizenship.

30. Paragraph 30 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief

as to the truth or falsity of the allegations in Paragraph 30 of the Complaint and, on that basis, denies the allegations in Paragraph 30 and demands strict proof of Plaintiffs' citizenship.

31. Paragraph 31 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 31 of the Complaint and, on that basis, denies the allegations in Paragraph 31 and demands strict proof of Plaintiffs' citizenship.

32. Paragraph 32 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 32 of the Complaint and, on that basis, denies the allegations in Paragraph 32 and demands strict proof of Plaintiffs' citizenship.

33. Paragraph 33 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 33 of the Complaint and, on that basis, denies the allegations in Paragraph 33 and demands strict proof of Plaintiffs' citizenship.

34. Paragraph 34 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 34 of the Complaint and, on that basis, denies the allegations in Paragraph 34 and demands strict proof of Plaintiffs' citizenship.

35. Paragraph 35 of the Complaint contains allegations regarding a Plaintiff who has

been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 35 of the Complaint and, on that basis, denies the allegations in Paragraph 35 and demands strict proof of Plaintiffs' citizenship.

36. Paragraph 36 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 36 of the Complaint and, on that basis, denies the allegations in Paragraph 36 and demands strict proof of Plaintiffs' citizenship.

37. Paragraph 37 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 37 of the Complaint and, on that basis, denies the allegations in Paragraph 37 and demands strict proof of Plaintiffs' citizenship.

38. Paragraph 38 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 38 of the Complaint and, on that basis, denies the allegations in Paragraph 38 and demands strict proof of Plaintiffs' citizenship.

39. Paragraph 39 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 39 of the Complaint and, on that basis,

denies the allegations in Paragraph 39 and demands strict proof of Plaintiffs' citizenship.

40. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 40 of the Complaint and, on that basis, denies the allegations in Paragraph 40 and demands strict proof of Plaintiffs' citizenship.

41. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 41 of the Complaint and, on that basis, denies the allegations in Paragraph 41 and demands strict proof of Plaintiffs' citizenship.

42. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 42 of the Complaint and, on that basis, denies the allegations in Paragraph 42 and demands strict proof of Plaintiffs' citizenship.

43. Paragraph 43 of the Complaint contains allegations regarding a Plaintiff who has been dismissed from this lawsuit and therefore requires no answer. To the extent that a response is nonetheless required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 43 of the Complaint and, on that basis, denies the allegations in Paragraph 43 and demands strict proof of Plaintiffs' citizenship.

44. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 44 of the Complaint.

45. Conde Nast admits the allegations contained in Paragraph 45 of the Complaint.

46. Conde Nast admits the allegations contained in Paragraph 46 of the Complaint.

AS TO JURISDICTION

47. Paragraph 47 of the Complaint contains allegations of law, not fact, to which no response is required. To the extent a response is required, Conde Nast denies that it is subject to jurisdiction in this case pursuant to 15 U.S.C. § 1121(a) because that statute governs claims made under the Lanham Act, 15 U.S.C. §§ 1051 et seq., and this Court has already found that Plaintiffs' allegations do not, as a matter of law, give rise to a Lanham Act claim against Conde Nast.

48. Paragraph 48 of the Complaint contains allegations of law, not fact, to which no response is required. To the extent a response is required, Conde Nast does not dispute that venue in this District is proper.

49. Paragraph 49 of the Complaint contains allegations of law, not fact, to which no response is required. To the extent a response is required, Conde Nast does not dispute that venue in this District is proper.

AS TO FACTS RELEVANT TO ALL CLAIMS

50. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 50 of the Complaint.

51. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 51 of the Complaint.

52. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 52 of the Complaint.

53. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 53 of the Complaint.

54. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 54 of the Complaint.

55. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 55 of the Complaint.

56. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 56 of the Complaint.

57. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 57 of the Complaint.

58. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 58 of the Complaint.

59. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 59 of the Complaint.

60. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 60 of the Complaint.

61. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 61 of the Complaint.

62. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 62 of the Complaint.

63. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 63 of the Complaint.

64. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 64 of the Complaint.

65. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 65 of the Complaint.

66. Conde Nast denies knowledge or information sufficient to form a belief as to the

truth or falsity of the allegations in Paragraph 66 of the Complaint.

67. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 67 of the Complaint.

68. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 68 of the Complaint.

69. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 69 of the Complaint.

70. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 70 of the Complaint.

71. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 71 of the Complaint.

72. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 72 of the Complaint.

73. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 73 of the Complaint.

74. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 74 of the Complaint.

75. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 75 of the Complaint.

76. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 76 of the Complaint.

77. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 77 of the Complaint.

78. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 78 of the Complaint.

79. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 79 of the Complaint.

80. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 80 of the Complaint.

81. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 81 of the Complaint.

82. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 82 of the Complaint.

83. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 83 of the Complaint.

84. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 84 of the Complaint.

85. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 85 of the Complaint.

86. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 86 of the Complaint.

87. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 87 of the Complaint.

88. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 88 of the Complaint.

89. Conde Nast denies knowledge or information sufficient to form a belief as to the

truth or falsity of the allegations in Paragraph 89 of the Complaint.

90. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 90 of the Complaint.

91. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 91 of the Complaint.

92. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 92 of the Complaint.

93. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 93 of the Complaint.

94. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 94 of the Complaint.

95. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 95 of the Complaint.

96. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 96 of the Complaint.

97. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 97 of the Complaint.

98. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 98 of the Complaint.

99. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 99 of the Complaint.

100. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 100 of the Complaint.

101. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 101 of the Complaint.

102. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 102 of the Complaint.

103. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 103 of the Complaint.

104. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 104 of the Complaint.

105. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 105 of the Complaint.

106. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 106 of the Complaint.

107. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 107 of the Complaint.

108. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 108 of the Complaint.

109. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 109 of the Complaint.

110. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 110 of the Complaint.

111. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 111 of the Complaint.

112. Conde Nast denies knowledge or information sufficient to form a belief as to the

truth or falsity of the allegations in Paragraph 112 of the Complaint.

113. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 113 of the Complaint.

114. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 114 of the Complaint.

115. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 115 of the Complaint.

116. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 116 of the Complaint.

117. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 117 of the Complaint.

118. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 118 of the Complaint.

119. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 119 of the Complaint.

120. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 120 of the Complaint.

121. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 121 of the Complaint.

122. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 122 of the Complaint.

123. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 123 of the Complaint.

124. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 124 of the Complaint.

125. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 125 of the Complaint.

126. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 126 of the Complaint.

127. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 127 of the Complaint.

128. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 128 of the Complaint.

129. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 129 of the Complaint.

130. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 130 of the Complaint.

131. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 131 of the Complaint.

132. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 132 of the Complaint.

133. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 133 of the Complaint.

134. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 134 of the Complaint.

135. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 135 of the Complaint.

136. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 136 of the Complaint.

137. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 137 of the Complaint.

138. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 138 of the Complaint.

139. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 139 of the Complaint.

140. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 140 of the Complaint.

141. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 141 of the Complaint.

142. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 142 of the Complaint.

143. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 143 of the Complaint.

144. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 144 of the Complaint.

145. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 145 of the Complaint.

146. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 146 of the Complaint.

147. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 147 of the Complaint.

148. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 148 of the Complaint.

149. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 149 of the Complaint.

150. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 150 of the Complaint.

151. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 151 of the Complaint.

152. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 152 of the Complaint.

153. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 153 of the Complaint.

154. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 154 of the Complaint.

155. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 155 of the Complaint.

156. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 156 of the Complaint.

157. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 157 of the Complaint.

158. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 158 of the Complaint.

159. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 159 of the Complaint.

160. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 160 of the Complaint.

161. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 161 of the Complaint.

162. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 162 of the Complaint.

163. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 163 of the Complaint.

164. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 164 of the Complaint.

165. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 165 of the Complaint.

166. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 166 of the Complaint.

167. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 167 of the Complaint.

168. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 168 of the Complaint.

169. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 169 of the Complaint.

170. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 170 of the Complaint.

171. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 171 of the Complaint.

172. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 172 of the Complaint.

173. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 173 of the Complaint.

174. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 174 of the Complaint.

175. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 175 of the Complaint.

176. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 176 of the Complaint.

177. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 177 of the Complaint.

178. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 178 of the Complaint.

179. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 179 of the Complaint.

180. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 180 of the Complaint.

181. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 181 of the Complaint.

182. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 182 of the Complaint.

183. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 183 of the Complaint.

184. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 184 of the Complaint.

185. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 185 of the Complaint.

186. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 186 of the Complaint.

187. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 187 of the Complaint.

188. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 188 of the Complaint.

189. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 189 of the Complaint.

190. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 190 of the Complaint.

191. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 191 of the Complaint.

192. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 192 of the Complaint.

193. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 193 of the Complaint.

194. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 194 of the Complaint.

195. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 195 of the Complaint.

196. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 196 of the Complaint.

197. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 197 of the Complaint.

198. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 198 of the Complaint.

199. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 199 of the Complaint.

200. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 200 of the Complaint.

201. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 201 of the Complaint.

202. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 202 of the Complaint.

203. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 203 of the Complaint.

204. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 204 of the Complaint.

205. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 205 of the Complaint.

206. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 206 of the Complaint.

207. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 207 of the Complaint.

208. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 208 of the Complaint.

209. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 209 of the Complaint.

210. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 210 of the Complaint.

211. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 211 of the Complaint.

212. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 212 of the Complaint.

213. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 213 of the Complaint.

214. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 214 of the Complaint.

215. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 215 of the Complaint.

216. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 216 of the Complaint.

217. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 217 of the Complaint.

218. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 218 of the Complaint.

219. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 219 of the Complaint.

220. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 220 of the Complaint.

221. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 221 of the Complaint.

222. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 222 of the Complaint.

223. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 223 of the Complaint.

224. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 224 of the Complaint.

225. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 225 of the Complaint.

226. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 226 of the Complaint.

227. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 227 of the Complaint.

228. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 228 of the Complaint.

229. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 229 of the Complaint.

230. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 230 of the Complaint.

231. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 231 of the Complaint.

232. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 232 of the Complaint.

233. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 233 of the Complaint.

234. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 234 of the Complaint.

235. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 235 of the Complaint.

236. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 236 of the Complaint.

237. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 237 of the Complaint.

238. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 238 of the Complaint.

239. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 239 of the Complaint.

240. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 240 of the Complaint.

241. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 241 of the Complaint.

242. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 242 of the Complaint.

243. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 243 of the Complaint.

244. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 244 of the Complaint.

245. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 245 of the Complaint.

246. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 246 of the Complaint.

247. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 247 of the Complaint.

248. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 248 of the Complaint.

249. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 249 of the Complaint.

250. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 250 of the Complaint.

251. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 251 of the Complaint.

252. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 252 of the Complaint.

253. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 253 of the Complaint.

254. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 254 of the Complaint.

255. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 255 of the Complaint.

256. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 256 of the Complaint.

257. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 257 of the Complaint.

258. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 258 of the Complaint.

259. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 259 of the Complaint.

260. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 260 of the Complaint.

261. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 261 of the Complaint.

262. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 262 of the Complaint.

263. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 263 of the Complaint.

264. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 264 of the Complaint.

265. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 265 of the Complaint.

266. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 266 of the Complaint.

267. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 267 of the Complaint.

268. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 268 of the Complaint.

269. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 269 of the Complaint.

270. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 270 of the Complaint.

271. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 271 of the Complaint.

272. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 272 of the Complaint.

273. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 273 of the Complaint.

274. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 274 of the Complaint.

275. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 275 of the Complaint.

276. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 276 of the Complaint.

277. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 277 of the Complaint.

278. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 278 of the Complaint.

279. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 279 of the Complaint.

280. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 280 of the Complaint.

281. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 281 of the Complaint.

282. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 282 of the Complaint.

283. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 283 of the Complaint.

284. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 284 of the Complaint.

285. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 285 of the Complaint.

286. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 286 of the Complaint.

287. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 287 of the Complaint.

288. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 288 of the Complaint.

289. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 289 of the Complaint.

290. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 290 of the Complaint.

291. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 291 of the Complaint.

292. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 292 of the Complaint.

293. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 293 of the Complaint.

294. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 294 of the Complaint.

295. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 295 of the Complaint.

296. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 296 of the Complaint.

297. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 297 of the Complaint.

298. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 298 of the Complaint.

299. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 299 of the Complaint.

300. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 300 of the Complaint.

301. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 301 of the Complaint.

302. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 302 of the Complaint.

303. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 303 of the Complaint.

304. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 304 of the Complaint.

305. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 305 of the Complaint.

306. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 306 of the Complaint.

307. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 307 of the Complaint.

308. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 308 of the Complaint.

309. Conde Nast denies the allegations in Paragraph 309 of the Complaint except admits that the Complaint purports to refer to Code Nast as “Vogue.”

310. Conde Nast admits the allegations contained in Paragraph 310 of the Complaint.

311. Conde Nast denies the allegations contained in Paragraph 311 of the Complaint because the statistics contained therein are no longer accurate.

312. Conde Nast denies the allegations contained in Paragraph 312 of the Complaint because the statistics contained therein are no longer accurate.

313. Conde Nast denies the allegations contained in Paragraph 313 of the Complaint because the statistics contained therein are no longer accurate.

314. Conde Nast denies the allegations contained in Paragraph 314 of the Complaint because the statistics contained therein are no longer accurate.

315. Conde Nast admits the allegations contained in Paragraph 315 of the Complaint.

316. Conde Nast admits the allegations contained in Paragraph 316 of the Complaint.

AS TO THE UNAUTHORIZED USES OF PLAINTIFFS' IMAGES

317. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 317 of the Complaint.

318. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 318 of the Complaint.

319. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 319 of the Complaint.

320. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 320 of the Complaint.

321. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 321 of the Complaint.

322. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 322 of the Complaint.

323. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 323 of the Complaint.

324. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 324 of the Complaint.

325. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 325 of the Complaint.

326. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 326 of the Complaint.

327. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 327 of the Complaint.

328. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 328 of the Complaint.

329. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 329 of the Complaint.

330. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 330 of the Complaint.

331. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 331 of the Complaint.

332. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 332 of the Complaint.

333. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 333 of the Complaint.

334. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 334 of the Complaint.

335. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 335 of the Complaint.

336. Conde Nast denies the allegations contained in Paragraph 336 of the Complaint.

337. Conde Nast denies the allegations contained in Paragraph 337 of the Complaint.

338. Conde Nast denies the allegations in Paragraph 338 of the Complaint insofar as they imply falsely that Conde Nast was required to obtain consent from Plaintiffs for the complained of editorial uses of their images or names. Conde Nast admits that it did not seek such consent and was not required to do so.

339. Conde Nast denies the allegations in Paragraph 339 insofar as they imply that Conde Nast used any of Plaintiffs' images or likenesses for "trade, advertising or commercial purposes," but admits that its business involves licensing of intellectual property.

340. Conde Nast denies the allegations contained in Paragraph 340 of the Complaint, including the implication that Conde Nast used any of the Plaintiffs' "modeling services" by publishing images of them in the Runway Editorial, except admits that it has worked with Next Model Management.

341. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 341 of the Complaint.

342. Conde Nast denies the allegations in Paragraph 342 of the Complaint insofar as they imply falsely that Conde Nast was required to obtain a release from Plaintiffs for the complained of editorial uses of their images or names. Conde Nast further denies the allegations in Paragraph 342 of the Complaint insofar as they imply falsely that Conde Nast did not obtain a release for the complained of use of the photographs of Plaintiffs that appeared in the Runway Editorial. Conde Nast admits that it did not seek a release from Plaintiffs and was not required to do so.

343. Paragraph 343 of the Complaint contains allegations of law, not fact to which no response is required. To the extent the allegations require a response, Conde Nast denies the allegations in Paragraph 343 of the Complaint.

344. Conde Nast denies the allegations contained in Paragraph 344 of the Complaint.

345. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 345 of the Complaint because they are incoherent. To the extent a response is required, Conde Nast denies the allegations of Paragraph 345 of the Complaint and respectfully refers the Court to the exhibits attached to the Complaint, which provide illustrative examples of the editorial feature at issue (the “Runway Editorial”) and speak for themselves.

346. Conde Nast admits the allegations in Paragraph 346 of the Complaint.

347. Conde Nast denies the allegations in Paragraph 347 of the Complaint, except admits that the text “BUY ON MODA OPERANDI” appeared on certain designer landing pages.

348. Conde Nast admits the allegations in Paragraph 348 of the Complaint.

349. Conde Nast denies the allegations in Paragraph 349 of the Complaint.

350. Paragraph 350 of the Complaint contains allegations of law, not fact, to which no response is required. To the extent a response is required, Conde Nast denies the allegations in Paragraph 350 of the Complaint.

351. Conde Nast denies the allegations contained in Paragraph 351 of the Complaint.

352. Conde Nast denies the allegations contained in Paragraph 352 of the Complaint.

353. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 353 of the Complaint.

354. Conde Nast denies the allegations contained in Paragraph 354 of the Complaint.

355. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 355 of the Complaint.

356. Conde Nast denies the allegations contained in Paragraph 356 of the Complaint.

357. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 357 of the Complaint.

358. Conde Nast denies the allegations contained in Paragraph 358 of the Complaint.

359. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 359 of the Complaint.

360. Conde Nast denies the allegations contained in Paragraph 360 of the Complaint.

361. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 361 of the Complaint.

362. Conde Nast denies the allegations contained in Paragraph 362 of the Complaint.

363. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 363 of the Complaint.

364. Conde Nast denies the allegations contained in Paragraph 364 of the Complaint.

365. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 365 of the Complaint.

366. Conde Nast denies the allegations contained in Paragraph 366 of the Complaint.

367. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 367 of the Complaint.

368. Conde Nast denies the allegations contained in Paragraph 368 of the Complaint.

369. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 369 of the Complaint.

370. Conde Nast denies the allegations contained in Paragraph 370 of the Complaint.

371. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 371 of the Complaint.

372. Conde Nast denies the allegations contained in Paragraph 372 of the Complaint.

373. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 373 of the Complaint.

374. Conde Nast denies the allegations contained in Paragraph 374 of the Complaint.

375. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 375 of the Complaint.

376. Conde Nast denies the allegations contained in Paragraph 376 of the Complaint.

377. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 377 of the Complaint.

378. Conde Nast denies the allegations contained in Paragraph 378 of the Complaint.

379. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 379 of the Complaint.

380. Conde Nast denies the allegations contained in Paragraph 380 of the Complaint.

381. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 381 of the Complaint.

382. Conde Nast denies the allegations contained in Paragraph 382 of the Complaint.

383. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 383 of the Complaint.

384. Conde Nast denies the allegations contained in Paragraph 384 of the Complaint.

385. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 385 of the Complaint.

386. Conde Nast denies the allegations contained in Paragraph 386 of the Complaint.

387. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 387 of the Complaint.

388. Conde Nast denies the allegations contained in Paragraph 388 of the Complaint.

389. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 389 of the Complaint.

390. Conde Nast denies the allegations contained in Paragraph 390 of the Complaint.

391. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 391 of the Complaint.

392. Conde Nast denies the allegations contained in Paragraph 392 of the Complaint.

393. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 393 of the Complaint.

394. Conde Nast denies the allegations contained in Paragraph 394 of the Complaint.

395. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 395 of the Complaint.

396. Conde Nast denies the allegations contained in Paragraph 396 of the Complaint.

397. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 397 of the Complaint.

398. Conde Nast denies the allegations contained in Paragraph 398 of the Complaint.

399. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 399 of the Complaint.

400. Conde Nast denies the allegations contained in Paragraph 400 of the Complaint.

401. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 401 of the Complaint.

402. Conde Nast denies the allegations contained in Paragraph 402 of the Complaint.

403. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 403 of the Complaint.

404. Conde Nast denies the allegations contained in Paragraph 404 of the Complaint.

405. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 405 of the Complaint.

406. Conde Nast denies the allegations contained in Paragraph 406 of the Complaint.

407. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 407 of the Complaint.

408. Conde Nast denies the allegations contained in Paragraph 408 of the Complaint.

409. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 409 of the Complaint.

410. Conde Nast denies the allegations contained in Paragraph 410 of the Complaint.

411. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 411 of the Complaint.

412. Conde Nast denies the allegations contained in Paragraph 412 of the Complaint.

413. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 413 of the Complaint.

414. Conde Nast denies the allegations contained in Paragraph 414 of the Complaint.

415. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 415 of the Complaint.

416. Conde Nast denies the allegations contained in Paragraph 416 of the Complaint.

417. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 417 of the Complaint.

418. Conde Nast denies the allegations contained in Paragraph 418 of the Complaint.

419. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 419 of the Complaint.

420. Conde Nast denies the allegations contained in Paragraph 420 of the Complaint.

421. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 421 of the Complaint.

422. Conde Nast denies the allegations contained in Paragraph 422 of the Complaint.

423. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 423 of the Complaint.

424. Conde Nast denies the allegations contained in Paragraph 424 of the Complaint.

425. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 425 of the Complaint.

426. Conde Nast denies the allegations contained in Paragraph 426 of the Complaint.

427. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 427 of the Complaint.

428. Conde Nast denies the allegations contained in Paragraph 428 of the Complaint.

429. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 429 of the Complaint.

430. Conde Nast denies the allegations contained in Paragraph 430 of the Complaint.

431. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 431 of the Complaint.

432. Conde Nast denies the allegations contained in Paragraph 432 of the Complaint.

433. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 433 of the Complaint.

434. Conde Nast denies the allegations contained in Paragraph 434 of the Complaint.

435. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 435 of the Complaint.

436. Conde Nast denies the allegations contained in Paragraph 436 of the Complaint.

437. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 437 of the Complaint.

438. Conde Nast denies the allegations contained in Paragraph 438 of the Complaint.

439. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 439 of the Complaint.

440. Conde Nast denies the allegations contained in Paragraph 440 of the Complaint.

441. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 441 of the Complaint.

442. Conde Nast denies the allegations contained in Paragraph 442 of the Complaint.

443. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 443 of the Complaint.

444. Conde Nast denies the allegations contained in Paragraph 444 of the Complaint.

445. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 445 of the Complaint.

446. Conde Nast denies the allegations contained in Paragraph 446 of the Complaint.

447. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 447 of the Complaint.

448. Conde Nast denies the allegations contained in Paragraph 448 of the Complaint.

449. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 449 of the Complaint.

450. Conde Nast denies the allegations contained in Paragraph 450 of the Complaint.

451. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 451 of the Complaint.

452. Conde Nast denies the allegations contained in Paragraph 452 of the Complaint.

453. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 453 of the Complaint.

454. Conde Nast denies the allegations contained in Paragraph 454 of the Complaint.

455. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 455 of the Complaint.

456. Conde Nast denies the allegations contained in Paragraph 456 of the Complaint.

457. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 457 of the Complaint.

458. Conde Nast denies the allegations contained in Paragraph 458 of the Complaint.

459. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 459 of the Complaint.

460. Conde Nast denies the allegations contained in Paragraph 460 of the Complaint.

461. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 461 of the Complaint.

462. Conde Nast denies the allegations contained in Paragraph 462 of the Complaint.

463. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 463 of the Complaint.

464. Conde Nast denies the allegations contained in Paragraph 464 of the Complaint.

465. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 465 of the Complaint.

466. Conde Nast denies the allegations contained in Paragraph 466 of the Complaint.

467. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 467 of the Complaint.

468. Conde Nast denies the allegations contained in Paragraph 468 of the Complaint.

469. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 469 of the Complaint.

470. Conde Nast denies the allegations contained in Paragraph 470 of the Complaint.

471. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 471 of the Complaint.

472. Conde Nast denies the allegations contained in Paragraph 472 of the Complaint.

473. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 473 of the Complaint.

474. Conde Nast denies the allegations contained in Paragraph 474 of the Complaint.

475. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 475 of the Complaint.

476. Conde Nast denies the allegations contained in Paragraph 476 of the Complaint.

477. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 477 of the Complaint.

478. Conde Nast denies the allegations contained in Paragraph 478 of the Complaint.

479. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 479 of the Complaint.

480. Conde Nast denies the allegations contained in Paragraph 480 of the Complaint.

481. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 481 of the Complaint.

482. Conde Nast denies the allegations contained in Paragraph 482 of the Complaint.

483. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 483 of the Complaint.

484. Conde Nast denies the allegations contained in Paragraph 484 of the Complaint.

485. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 485 of the Complaint.

486. Conde Nast denies the allegations contained in Paragraph 486 of the Complaint.

487. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 487 of the Complaint.

488. Conde Nast denies the allegations contained in Paragraph 488 of the Complaint.

489. Conde Nast denies the allegations contained in Paragraph 489, except admits the Conde Nast executed a business agreement with Moda similar to those Conde Nast has executed with other advertisers.

490. Conde Nast denies the allegations contained in Paragraph 490 of the Complaint.

491. Conde Nast denies the allegations contained in Paragraph 491 of the Complaint.

492. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 492 of the Complaint.

493. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 493 of the Complaint.

494. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 494 of the Complaint.

495. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 495 of the Complaint.

496. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 496 of the Complaint.

497. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 497 of the Complaint.

498. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 498 of the Complaint.

499. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 499 of the Complaint.

500. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 500 of the Complaint.

501. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 501 of the Complaint.

502. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 502 of the Complaint.

503. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 503 of the Complaint.

504. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 504 of the Complaint.

505. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 505 of the Complaint.

506. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 506 of the Complaint.

507. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 507 of the Complaint.

508. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 508 of the Complaint.

509. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 509 of the Complaint.

510. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 510 of the Complaint.

511. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 511 of the Complaint.

512. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 512 of the Complaint.

513. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 513 of the Complaint.

514. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 514 of the Complaint.

515. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 515 of the Complaint.

516. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 516 of the Complaint.

517. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 517 of the Complaint.

518. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 518 of the Complaint.

519. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 519 of the Complaint.

520. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 520 of the Complaint.

521. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 521 of the Complaint.

522. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 522 of the Complaint.

523. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 523 of the Complaint.

524. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 524 of the Complaint.

525. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 525 of the Complaint.

526. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 526 of the Complaint.

527. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 527 of the Complaint.

528. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 528 of the Complaint.

529. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 529 of the Complaint.

530. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 530 of the Complaint.

531. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 531 of the Complaint.

532. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 532 of the Complaint.

533. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 533 of the Complaint.

534. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 534 of the Complaint.

535. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 535 of the Complaint.

536. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 536 of the Complaint.

537. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 537 of the Complaint.

538. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 538 of the Complaint.

539. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 539 of the Complaint.

540. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 540 of the Complaint.

541. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 541 of the Complaint.

542. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 542 of the Complaint.

543. Conde Nast denies the allegations contained in Paragraph 543 of the Complaint as to Conde Nast and denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations against Moda.

544. Conde Nast denies the allegations in Paragraph 544 of the Complaint insofar as they imply falsely that Conde Nast was required to obtain consent from Plaintiffs for the complained of editorial uses of their images or names. Conde Nast further denies the allegations in Paragraph 544 of the Complaint insofar as they imply falsely that Conde Nast used any of Plaintiffs names, images, or likenesses for the purpose of promoting or advertising Moda or the sale of products by Moda.

545. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 545 of the Complaint.

546. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 546 of the Complaint.

547. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 547 of the Complaint.

548. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 548 of the Complaint.

549. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 549 of the Complaint.

550. Conde Nast denies the allegations in Paragraph 550 of the Complaint insofar as they imply falsely that Conde Nast was required to obtain a release from Plaintiffs for the complained of editorial uses of their images or names. Conde Nast further denies the allegations in Paragraph 550 of the Complaint insofar as they imply falsely that Conde Nast did not obtain a release for the complained of use of the photographs of Plaintiffs that appeared in the Runway Editorial. Conde Nast denies knowledge or information sufficient to form a belief as to whether the photographers who took the photographs of Plaintiffs that were used by Conde Nast had a release from Plaintiffs for the commercial or advertising use of their likenesses. Conde Nast admits that it did not seek releases from Plaintiffs and was not required to do so.

551. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 551 of the Complaint.

552. Conde Nast denies the allegations in Paragraph 552 of the Complaint.

553. Conde Nast denies the allegations contained in Paragraph 553 of the Complaint.

554. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 554 of the Complaint.

555. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 555 of the Complaint.

556. Conde Nast denies the allegations contained in Paragraph 556 of the Complaint.

AS TO ADDITIONAL FACTS RELEVANT TO ALL CLAIMS

557. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 557 of the Complaint.

558. Conde Nast admits the allegations in Paragraph 558 of the Complaint.

559. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 559 of the Complaint.

560. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 560 of the Complaint.

561. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 561 of the Complaint.

562. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 562 of the Complaint.

563. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 563 of the Complaint.

564. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 564 of the Complaint.

565. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 565 of the Complaint.

566. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 566 of the Complaint.

567. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 567 of the Complaint.

568. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 568 of the Complaint.

569. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 569 of the Complaint.

570. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 570 of the Complaint.

571. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 571 of the Complaint.

572. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 572 of the Complaint.

573. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 573 of the Complaint.

574. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 574 of the Complaint.

575. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 575 of the Complaint.

576. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 576 of the Complaint.

577. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 577 of the Complaint.

578. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 578 of the Complaint.

579. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 579 of the Complaint.

580. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 580 of the Complaint.

581. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 581 of the Complaint.

582. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 582 of the Complaint.

583. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 583 of the Complaint.

584. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 584 of the Complaint.

585. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 585 of the Complaint.

586. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 586 of the Complaint.

587. Conde Nast denies the allegations in Paragraph 587 of the Complaint except admits that the Complaint purports to include a letter attached as Exhibit 46 and that document speaks for itself. To the extent any further response is required, Conde Nast respectfully refers the Court to the exhibit.

588. Conde Nast admits the allegations in Paragraph 588 of the Complaint.

589. Conde Nast denies the allegations in Paragraph 589 of the Complaint, except admits Plaintiffs' counsel sent to Conde Nast's counsel a confidentiality agreement in early June 2020.

590. Conde Nast denies the allegations in Paragraph 590 insofar as they mischaracterize the parties' discussions since in fact it was Conde Nast who was waiting to find out from Plaintiffs' counsel whether Plaintiffs would agree to abandon their meritless claims against Conde Nast.

591. Conde Nast denies the allegations in Paragraph 591 of the Complaint, except admits that Conde Nast entered into a confidentiality agreement with Plaintiffs.

592. Conde Nast denies the allegations in Paragraph 592 insofar as they imply falsely that Conde Nast has not shared confidential information with Plaintiffs for the purpose of demonstrating that Plaintiffs' claims are without merit – information to which Plaintiffs have never responded.

593. Conde Nast denies the allegations in Paragraph 593 of the Complaint.

594. Conde Nast admits the allegations contained in Paragraph 594 of the Complaint.

595. Conde Nast denies the allegations contained in Paragraph 595 of the Complaint.

596. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 596 of the Complaint.

597. Conde Nast denies the allegations in Paragraph 597 insofar as they imply that Conde Nast used any of Plaintiffs' images or likenesses for "commercial, promotional or advertising" purposes, except admits that its business involves licensing of intellectual property.

598. Conde Nast denies the allegations in Paragraph 598 of the Complaint.

599. Conde Nast denies the allegations in Paragraph 599 of the Complaint in that Plaintiffs do identify which, if any, specific laws it is referring to.

600. Conde Nast denies the allegations in Paragraph 600 of the Complaint.

601. Conde Nast denies the allegations in Paragraph 601 of the Complaint.

602. Conde Nast denies the allegations in Paragraph 602 of the Complaint.

603. Conde Nast denies the allegations in Paragraph 603 of the Complaint.

604. Conde Nast denies the allegations in Paragraph 604 of the Complaint.

605. Conde Nast denies the allegations in Paragraph 605 of the Complaint.

606. Conde Nast denies the allegations in Paragraph 606 of the Complaint.

607. Conde Nast denies the allegations in Paragraph 607 of the Complaint.

608. Conde Nast repeats and re-alleges its answers to Paragraphs 1-605 of the Complaint with respect to each of the below claims.

AS TO JURY DEMAND

609. Conde Nast demands a jury on all triable issues.

AS TO THE FIRST CLAIM FOR RELIEF
VIOLATIONS OF NEW YORK CIVIL RIGHTS LAW §50 AND §51
AS ALLEGED BY ALL PLAINTIFFS AGAINST EACH OF DEFENDANTS

610. Conde Nast denies the allegations in Paragraph 610 of the Complaint because the Court has already found, as a matter of law, that certain Plaintiffs failed to state a claim against Conde Nast for violation of Sections 50-51 of the New York Civil Rights Law.

611. Paragraph 611 of the Complaint contains allegations of law, not fact to which no response is required.

612. Paragraph 612 of the Complaint contains allegations of law, not fact to which no response is required.

613. Paragraph 613 of the Complaint contains allegations of law, not fact to which no response is required.

614. Paragraph 614 of the Complaint contains allegations of law, not fact to which no response is required.

615. Paragraph 615 of the Complaint contains allegations that have already been dismissed by the Court and thus no response is required. To the extent a response is required, Conde Nast denies the allegations contained in Paragraph 615 of the Complaint.

616. Paragraph 616 of the Complaint contains allegations that have already been dismissed by the Court and thus no response is required. To the extent a response is required, Conde Nast denies the allegations contained in Paragraph 616 of the Complaint.

617. Paragraph 617 of the Complaint contains allegations that have already been dismissed by the Court and thus no response is required. To the extent a response is required, Conde Nast denies the allegations in Paragraph 617 of the Complaint insofar as they imply falsely that Conde Nast used Plaintiffs' images, likenesses and/or names for trade or advertising purposes. Conde Nast further denies the allegations in Paragraph 617 of the Complaint insofar as they imply falsely that Conde Nast was required to obtain consent from Plaintiffs for the complained of editorial uses of their images or names. Conde Nast denies knowledge or information sufficient to form a belief as to whether the photographers who took the photographs of Plaintiffs that were used by Conde Nast had a release from Plaintiffs for the commercial or advertising use of their likenesses.

618. Paragraph 618 of the Complaint contains allegations that have already been dismissed by the Court and thus no response is required. To the extent a response is required, Conde Nast denies the allegations contained in Paragraph 618 of the Complaint.

619. Paragraph 619 of the Complaint contains allegations that have already been dismissed by the Court and thus no response is required. To the extent a response is required, Conde Nast denies the allegations contained in Paragraph 619 of the Complaint.

**AS TO THE SECOND CLAIM FOR RELIEF VIOLATION OF §43(A) OF THE
LANHAM ACT (15 U.S.V. 1125) AS ALLEGED BY ALL PLAINTIFFS AGAINST EACH
OF DEFENDANTS**

620. Conde Nast denies the allegations in Paragraph 620 of the Complaint because the Court has already found, as a matter of law, that the Complaint fails to state any claim against Conde Nast for violation of the Lanham Act.

621. No response to Paragraph 621 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 621 of the Complaint.

622. No response to Paragraph 622 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 622 of the Complaint.

623. No response to Paragraph 623 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 623 of the Complaint.

624. No response to Paragraph 624 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 624 of the Complaint.

625. No response to Paragraph 625 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 625 of the Complaint.

626. No response to Paragraph 626 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 626 of the Complaint.

627. No response to Paragraph 627 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations contained in Paragraph 627 of the Complaint.

628. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 628 of the Complaint.

629. No response to Paragraph 629 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 629 of the Complaint, except admits that it made editorial use Plaintiffs' likenesses for the Runway Editorial.

630. Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 630 of the Complaint.

631. No response to Paragraph 631 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 631 of the Complaint.

632. No response to Paragraph 632 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 632 of the Complaint.

633. No response to Paragraph 633 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 633 of the Complaint.

634. No response to Paragraph 634 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 634 of the Complaint.

635. No response to Paragraph 635 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. Conde Nast further avers that Paragraph 635 of the Complaint contains allegations of law, not fact, to which no response is required.

636. No response to Paragraph 636 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. Conde Nast further avers that Paragraph 636 of the Complaint contains allegations of law, not fact, to which no response is required.

637. No response to Paragraph 637 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. Conde Nast further avers that Paragraph 637 of the Complaint contains allegations of law, not fact, to which no response is required.

638. No response to Paragraph 638 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 638.

639. No response to Paragraph 639 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 639 of the Complaint.

640. No response to Paragraph 640 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 640 of the Complaint.

641. No response to Paragraph 641 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 641 of the Complaint.

642. No response to Paragraph 642 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 642 of the Complaint.

643. No response to Paragraph 643 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 643 of the Complaint.

644. No response to Paragraph 644 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 644 of the Complaint.

645. No response to Paragraph 645 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 645 of the Complaint.

646. No response to Paragraph 646 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 646 of the Complaint.

647. No response to Paragraph 647 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 647 of the Complaint.

648. No response to Paragraph 648 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 648 of the Complaint.

649. No response to Paragraph 649 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 649 of the Complaint.

650. No response to Paragraph 650 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 650 of the Complaint.

651. No response to Paragraph 651 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 651 of the Complaint.

652. No response to Paragraph 652 of the Complaint is required because the Court has already found, as a matter of law, that Plaintiffs fail to assert any claim against Conde Nast for violation of the Lanham Act. To the extent that any response is required, Conde Nast denies the allegations in Paragraph 652 of the Complaint.

AS TO THE PRAYER FOR RELIEF

With respect to the WHEREFORE clauses in the Complaint, Conde Nast denies that Plaintiffs are entitled to any relief.

GENERAL DENIAL

Each numbered paragraph in this Answer responds to the identically numbered paragraph in the Complaint. Conde Nast denies all allegations, declarations, claims, or assertions in the Complaint that are not specifically admitted in this Answer. To the extent the headings contained in the Complaint constitute allegations, such allegations are denied.

AFFIRMATIVE DEFENSES

Conde Nast asserts the following affirmative defenses and reserves the right to amend this answer to assert any additional affirmative defenses when and if, in the course of its investigation, discovery, or preparation for trial it becomes appropriate to assert such affirmative defenses. In asserting these defenses, Conde Nast does not assume the burden of proof for any issue that would otherwise rest on the Plaintiffs.

FIRST DEFENSE

The Complaint, and each of its claims for relief, fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiffs' claims against Conde Nast (including but not limited to Plaintiffs' claims for injunctive relief) are barred in whole or in part by the First Amendment to the United States Constitution and Article I § 8 of the New York Constitution.

THIRD DEFENSE

Plaintiffs' right of publicity claim is barred as a matter of law because it is preempted by 17 U.S.C. § 301.

FOURTH DEFENSE

Conde Nast's use of Plaintiffs' images or likenesses cannot give rise to liability under New York Civil Rights Law §§ 50-51 because the complained of use was in connection with matters of public interest, public concern, and/or was newsworthy.

FIFTH DEFENSE

Conde Nast did not use Plaintiffs' images or likenesses for advertising purposes, or for the purpose of trade, or for any other commercial purpose.

SIXTH DEFENSE

Some or all of Plaintiffs' state law claims are barred because damages under New York Civil Rights Law § 51 are only available to New York residents.

SEVENTH DEFENSE

Plaintiffs' claims are barred in whole or in part by the defense of license and/or implied license arising from agreements between Conde Nast, on the one hand, and other parties, on the

other, for use of the photographs alleged in the Complaint, as well as any course of dealing with any such parties.

EIGHTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, but the doctrines of waiver and implied waiver.

NINTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have failed to mitigate damages.

TENTH DEFENSE

Plaintiffs are not entitled to recover any of Conde Nast's profits because such profits, if any, are not attributable to Conde Nast's use of Plaintiffs' images and are duplicative of Plaintiff's purported compensatory damages.

ELEVENTH DEFENSE

Plaintiffs' claim for exemplary damages fails because it would violate Conde Nast's right to procedural and substantive due process under the Fifth and Fourteenth Amendments of the United States Constitution and Article I, § 6 of the New York Constitution because, among other things, the alleged conduct at issue is not sufficiently reprehensible to warrant exemplary damages.

TWLFTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because they are wholly unsubstantial, frivolous and not advanced in good faith, and defendants are entitled to costs and attorneys' fees.

THIRTEENTH DEFENSE

Some or all of Plaintiffs' claims for relief against Conde Nast are barred, in whole or in part, because Plaintiffs' purported damages, if any, are vague, uncertain, imaginary, and speculative.

FOURTEENTH DEFENSE

Plaintiffs' Lanham Act claims are barred because Conde Nast did not use Plaintiffs' images or likenesses for any source-identifying or other purpose protected by Section 43(a) of the Lanham Act.

FIFTEENTH DEFENSE

Plaintiffs' Lanham Act claims are barred, in whole or in part, by the doctrine of fair use.

SIXTEENTH DEFENSE

Plaintiffs' Lanham Act claims are barred because no reasonable reader of Conde Nast.com could believe that images of models walking the runways at designer fashion shows reflects that each model endorses products shown in adjacent advertising.

SEVENTEENTH DEFENSE

Plaintiffs' state law claims are barred by Sections 70-a and 76-a of the New York Civil Rights Law.

COUNTERCLAIM OF DEFENDANT CONDE NAST

Defendants and Counterclaim Plaintiffs Advance Publications, Inc. d/b/a Conde Nast and Advance Magazine Publishers, Inc. d/b/a Conde Nast (collectively "Conde Nast"), by and through its undersigned attorneys, Davis Wright Tremaine, LLP, asserts this anti-SLAPP counterclaim under New York Civil Rights Law §§ 70-a and 76-a against Plaintiffs and Counterclaim Defendants Alanna Arrington, Ambar Cristal Zarzuela Montero, Anok Yai, Blanca Padilla, Cara Taylor, Damien Medina, Dylan Christensen, Eniola Abioro, Grace Elizabeth Harry Cabe p/k/a

Grace Elizabeth, Grace Hartzel, João Knorr, Leona Walton p/k/a Binx Walton, Lineisy Montero, Luisana Gonzalez, Ugbad Abdi p/k/a Ugbad, Vera Van Erp, Viktoriia Pavlova p/k/a Odette Pavlova (collectively, the “Counterclaim Defendants”).²

INTRODUCTION TO THE COUNTERCLAIM

1. Conde Nast realleges and incorporates by reference its responses to Paragraphs 1 through 652 of the Complaint.

2. On September 4, 2020, the Counterclaim Defendants commenced this meritless lawsuit, for the purpose of inhibiting and interfering with Conde Nast’s exercise of free speech rights regarding an issue of public concern.

3. Specifically, the Counterclaim Defendants -- each of whom are runway models -- contend without basis that Conde Nast violated their rights of publicity under New York Civil Rights Law Sections 50-51, because Conde Nast published photographs of them walking the runways as part of *Vogue*’s editorial coverage of the Spring 2020 Ready-to-Wear collections (the “Runway Editorial”). These claims clearly lack any substantial basis in law or fact because recovery under New York’s right of publicity statute is strictly prohibited unless a person’s likeness is used *for trade or advertising purposes*.

4. As this Court has already found, however, Conde Nast’s Runway Editorial “is a work of fashion journalism that, like every fashion magazine happens to contain advertisements.” Moreover, it is well-established that use of a person’s likeness cannot give rise to liability under

² By Order dated September 22, 2021, the Court dismissed all of the Plaintiffs’ Lanham Act claims against Conde Nast and dismissed all claims pursuant to New York Civil Rights Law Sections 50-51 that were asserted by Plaintiffs Champion, Cleveland, Robinson, Stoddart, Arrebola, Hill, Grenville, Martinez, Sigurdardottir, Ayerdi, Miloqui, De Oliveira, Urushadze, Hoevelaken, Gunn, Bolt, Marconi, Eirud, Forrest, Li, He, Xu, Halbert, Delozier, Harris, and Bui (the “Dismissed Plaintiffs”). Dkt. 51 at 37. Conde Nast expressly reserves its rights and does not waive any affirmative claims or remedies that it may seek against the Dismissed Plaintiffs.

Sections 50-51 if the use is directly connected to newsworthy editorial reporting. These limitations on liability under New York's right of publicity statute were put in place to protect First Amendment-protected expression and to preserve the media's ability to comment on, and cover events and culture. By forcing Conde Nast to defend itself against meritless litigation arising from the exercise of First Amendment-protected activity, the Counterclaim Defendants violated New York's anti-SLAPP statute and are liable for damages, including Conde Nast's attorneys' fees, as well as compensatory and punitive damages.

5. The First Amendment enshrines this nation's foundational commitment to the protection of a free press. Many states have put in place additional protections to ensure that citizens' First Amendment freedoms have the breathing space needed to survive. One of these safeguards that has developed over recent decades is the adoption of anti-SLAPP laws. SLAPPs – Strategic Lawsuits Against Public Participation – are lawsuits used to inhibit the exercise of free speech and harass publishers by forcing them to spend money to defend against baseless suits. These damaging suits chill free speech and the robust exchange of ideas and culture by targeting those who communicate about issues of public interest. Multiple states – including New York – have passed anti-SLAPP laws to offer redress to targets of SLAPP suits.

6. This is a classic SLAPP suit. The Counterclaim Defendants commenced and continued their meritless right of publicity claims against Conde Nast with full knowledge that their claims lack any substantial basis in law or fact. This kind of attack on the exercise of free speech is prohibited under New York law.

7. On November 10, 2020, New York's Governor signed Assembly Bill 5991-A into law, substantially expanding New York's existing anti-SLAPP law to provide greater protection to publishers against frivolous litigation intended to silence their exercise of the rights of free

speech and petition about matters of public interest (the “Anti-SLAPP Law”). Specifically, defendants in lawsuits “involving public petition and participation” (*i.e.*, SLAPP suits) may now file an action to recover damages, including costs and attorney’s fees, from any person who “commenced or continued” such an action “without a substantial basis in fact and law” N.Y. Civil Rights Law § 70-a(1). Courts in this District have found that the Anti-SLAPP Law applies retroactively to lawsuits that were commenced prior to its enactment.

8. Critically, the Anti-SLAPP law applies to lawsuits targeting “[a]ny communication in a place open to the public or a public forum in connection with an issue of public interest” or “any other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest . . . ,” with the term “public interest” defined “broadly” to “mean any subject other than a purely private matter.” N.Y. Civil Rights Law § 76-a(1)(a) & (d). The Anti-SLAPP law also provides for compensatory and punitive damages against plaintiffs who, like the ones in this litigation, commence or continue meritless legal claims for the purpose of “harassing . . . or otherwise maliciously inhibiting the free exercise of speech []. N.Y. Civil Rights Law §§ 70-a(1)(b) and (c).

9. The Counterclaim Defendants’ commenced and continued their right of publicity claims against Conde Nast without any substantial basis in law or fact.

10. Even after Conde Nast’s counsel repeatedly made clear to counsel for the Counterclaim Defendants that their right of publicity claims have no basis in law or fact, the Counterclaim Defendants nevertheless persisted in filing and continuing this action, causing Conde Nast to expend significant costs and fees to defend its First Amendment-protected rights.

11. Unless the Counterclaim Defendants are held accountable for their tortious activity, the purpose of the Anti-SLAPP Law will be frustrated and it will be open season on New York

publishers forced to defend against lawsuits that inhibit their exercise of Constitutionally-protected free speech rights.

PARTIES

12. Counterclaim Defendant ALANNA ARRINGTON (“ARRINGTON”) alleges that she is a professional model who resides in the State and County of New York.

13. Counterclaim Defendant AMBAR CRISTAL ZARZUELA MONTERO (“A.C. MONTERO”) alleges that she is a professional model who resides in Bronx, New York.

14. Counterclaim Defendant ANOK YAI (“YAI”) alleges that she is a professional model who resides in Brooklyn, New York.

15. Counterclaim Defendant BLANCA PADILLA (“PADILLA”) alleges that she is a professional model who resides in Brooklyn, New York.

16. Counterclaim Defendant CARA TAYLOR (“TAYLOR”) alleges that she is a professional model who resides in Brooklyn, New York.

17. Counterclaim Defendant DAMIEN MEDINA (“MEDINA”) alleges that she is a professional model who resides in the State and County of New York.

18. Counterclaim Defendant DYLAN CHRISTENSEN (“CHRISTENSEN”) alleges that she is a professional model who resides in Freeport, New York.

19. Counterclaim Defendant ENIOLA ABIORO (“ABIORO”) alleges that she is a professional model who resides in Brooklyn, New York.

20. Counterclaim Defendant GRACE ELIZABETH HARRY CABE p/k/a GRACE ELIZABETH (“CABE”) alleges that she is a professional model who resides in the State and County of New York.

21. Counterclaim Defendant GRACE HARTZEL (“HARTZEL”) alleges that she is a professional model who resides in the State and County of New York.

22. Counterclaim Defendant JOÃOKNORR (“KNORR”) alleges that she is a professional model who resides in both Brazil and Brooklyn, New York.

23. Counterclaim Defendant LEONA WALTON p/k/a/ BINX WALTON (“WALTON”) alleges that she is a professional model who resides in Brooklyn, New York.

24. Counterclaim Defendant LINEISY MONTERO (“L. MONTERO”) alleges that she is a professional model who resides in the State and County of New York.

25. Counterclaim Defendant LUISANA GONZALEZ (“GONZALEZ”) alleges that she is a professional model who resides in the State and County of New York.

26. Counterclaim Defendant UGBAD ABDI p/k/a UGBAD (“ABDI”) alleges that she is a professional model who resides in the State and County of New York.

27. Counterclaim Defendant VERA VAN ERP (“VAN ERP”) alleges that she is a professional model who resides in the State and County of New York.

28. Counterclaim Defendant VIKTORIIA PAVLOVA p/k/a ODETTE PAVLOVA (“PAVLOVA”) alleges that she is a professional model who resides in the State and County of New York.

29. Defendant and Counterclaim Plaintiff Advance Publications, Inc. d/b/a Conde Nast is a Delaware Corporation authorized to do business in New York.

30. Defendant and Counterclaim Plaintiff Advance Magazine Publishers, Inc. d/b/a Conde Nast is a Delaware Corporation authorized to do business in New York.

JURISDICTION AND VENUE

31. Insofar as this Court has subject matter jurisdiction over the Counterclaim Defendants’ state law claims, this Court also has supplemental jurisdiction over Conde Nast’s Counterclaim pursuant to 28 U.S.C. § 1367. Both this Counterclaim and the Plaintiffs’ right of

publicity claims arise from the same set of facts, namely *Vogue*'s use of Plaintiffs' likenesses in the Runway Editorial. This Counterclaim further arises from the present litigation itself and the attempts by the Plaintiffs and Counterclaim Defendants to inhibit Conde Nast's exercise of the constitutional right of free speech in connection with an issue of public interest, namely fashion reporting.

32. This Court has personal jurisdiction over the Counterclaim Defendants because each has voluntarily submitted to jurisdiction in the Southern District of New York by filing this action.

33. Venue for this action properly lies in this district court pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to this claim occurred in this judicial district.

34. The laws of the State of New York apply to the subject matter of this action, because New York has the most significant relationship to this litigation: *Vogue*'s editorial team operates out of *Vogue*'s corporate headquarters in New York and each of the Counterclaim Defendants asserted meritless claims against Conde Nast pursuant to New York state law.

FACTUAL BACKGROUND

A. *Vogue*

35. Conde Nast is the publisher of *Vogue*.

36. *Vogue* is an iconic magazine covering the fashion industry.

37. Since 1892, *Vogue* has been the leading editorial voice in reporting on style, fashion, and culture. Among other issues, readers look to *Vogue* for in-depth coverage of each season's designer fashion collections.

38. *Vogue's* editorial team is led by Editor in Chief Anna Wintour, as well as Deputy Editor Taylor Antrim, along with dozens of other editorial staff responsible for overseeing and developing *Vogue's* reporting.

39. *Vogue* publishes in print and online. *Vogue's* website, vogue.com, features a wide range of editorial stories, ranging from politics to wellness. The site is divided into seven sections, each with its own focus and content: Fashion, Beauty, Culture, Living, Runway, Shopping, and Video.

40. The Runway section of vogue.com, which is the focus of Plaintiffs' claims, reports on the latest news concerning fashion designers: *Vogue* Runway's top-10 most read stories of 2020 include articles about a designer's "sew-it-yourself jacket," "Jean Paul Gaultier's Longtime Muse," and "The 17 Items That Defined 2020."

41. Since 1988, each season, *Vogue* Runway has also provided exhaustive coverage of nearly every work shown at every major designer show.

42. The presentation of *Vogue's* Runway editorial coverage is directed by *Vogue's* editors.

43. The choices of which designers' collections to feature is made solely by the editors without any influence from the sales/advertising side of the company.

44. *Vogue* provides review and commentary concerning each designer's collection. In order to illustrate that commentary, *Vogue* often presents fashion shows in their entirety from beginning to end in the exact same order the fashions appeared in the designers' shows. Part of the premise for *Vogue's* fashion runway editorial coverage is to be comprehensive and serve as an archive repository for the fashion industry and interested readers.

B. The Runway Editorial

45. Each of the Counterclaim Defendants was hired by one or more fashion designers to walk the runway and promote that designer's Spring 2020 Ready-to-Wear collection.

46. In September 2019, *Vogue* published the Runway Editorial, the subject of this litigation, which provided readers with exhaustive coverage of the Spring 2020 Ready-to-Wear collections.

47. Photographs of the Counterclaim Defendants were included in the Runway Editorial to illustrate that season's designer collections.

48. Conde Nast obtained all necessary rights from the photographers to include the photographs in the Runway Editorial.

49. The purpose of each Counterclaim Defendants' public appearance was to generate publicity for the clothing they were wearing. The primary reason that designers hire runway models is to show their creations to an interested public, who want to see, admire, and possibly purchase the items.

50. From the home page for the Runway Editorial on Vogue.com, visitors can select a designer whose line they wish to review in more detail by clicking the name of the designer from a pull-down menu on the left of the page, or by clicking one of the thumbnails. From there, a visitor is then brought to a landing page offering commentary and analysis about that designer's Spring 2020 collection. Attached hereto as **Exhibit A** are representative designer landing pages.

51. For example, the Alexander McQueen landing page includes an article by *Vogue* reporter Sally Singer reviewing that designer's collection. Many of the designer landing pages also feature video from the designer's runway show, and include a section labeled "Atmosphere"

that shows wide shots of the models, as well as the audience at each show, providing readers with more of the “look and feel” of the fashion show.

52. Particularly relevant to this action, for each collection included in the Runway Editorial, there is a link to a “slide show,” which illustrates the editorial commentary by showing each individual work presented at the show. *See, e.g.*, Exhibits 1-43 to the Complaint. The images featured in the slide show depict models, including the Counterclaim Defendants, as they walked the runway for the featured designer show. This slideshow element has been included in the Vogue Runway features for the last several years. Attached hereto as **Exhibit B** are representative examples of past season’s Runway coverage.

53. Like virtually all magazines, in print and online, *Vogue* generates revenue by selling space to advertisers whose products are promoted side-by-side with *Vogue*’s editorial content. For example, as illustrated below, located next to the images of Plaintiffs in the Runway Editorial are ads for various designers and products, including: Otezla, Burberry, Hourglass cosmetics, and Hermès:

Compl. Ex. 3, Dkt. 1-1 at 55

← → ↻ vogue.com/fashion-shows/spring-2020-ready-to-wear/oscar-de-la-renta ☆


RUNWAY LATEST SHOWS > SEASON > DESIGNER >

SPRING 2020 READY-TO-WEAR
Oscar de la Renta



f p t

COVERAGE COLLECTION DETAILS BEAUTY ATMOSPHERE ALL SEASONS

Oscar de la Renta Spring 2020 Ready-to-Wear

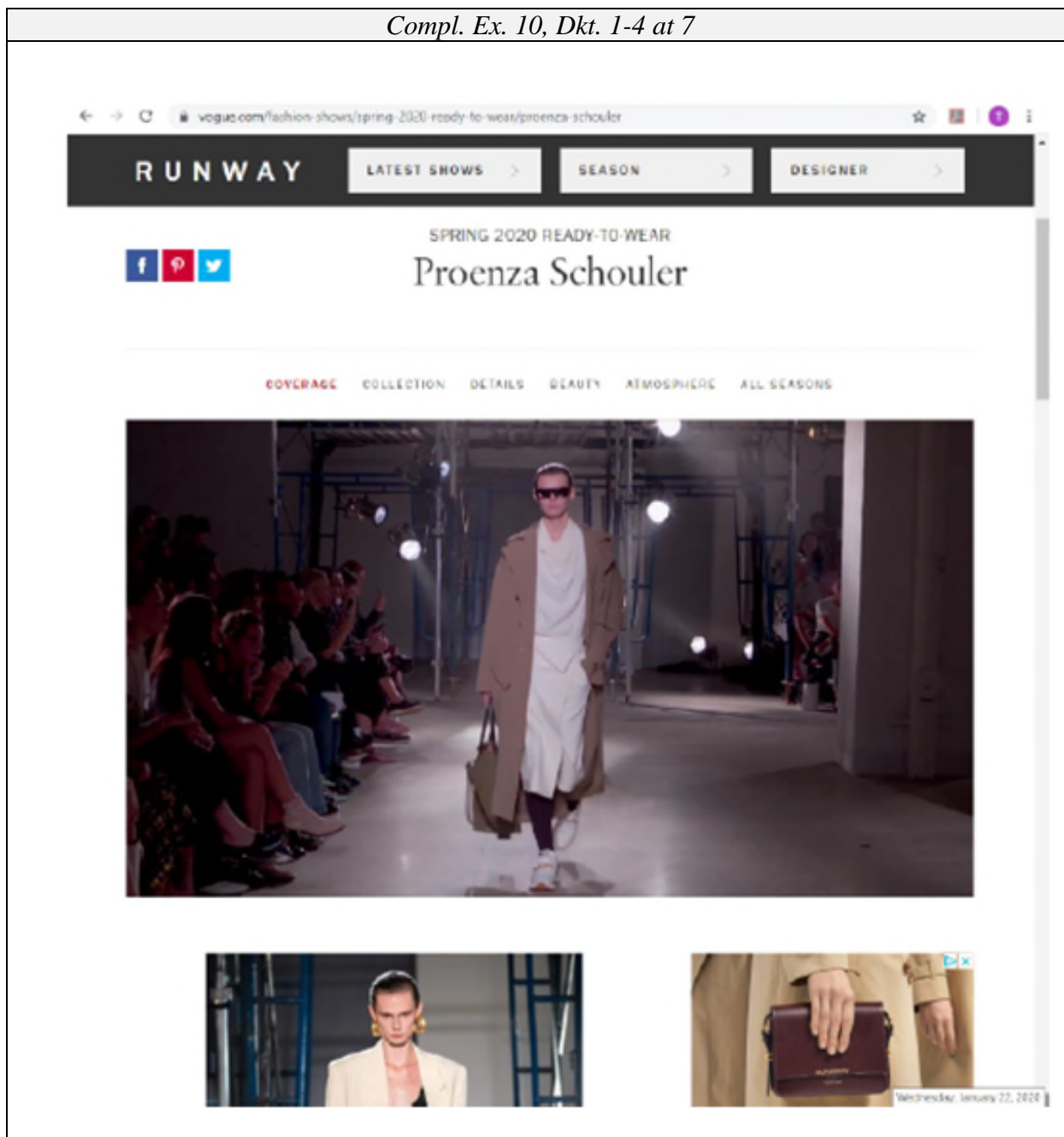


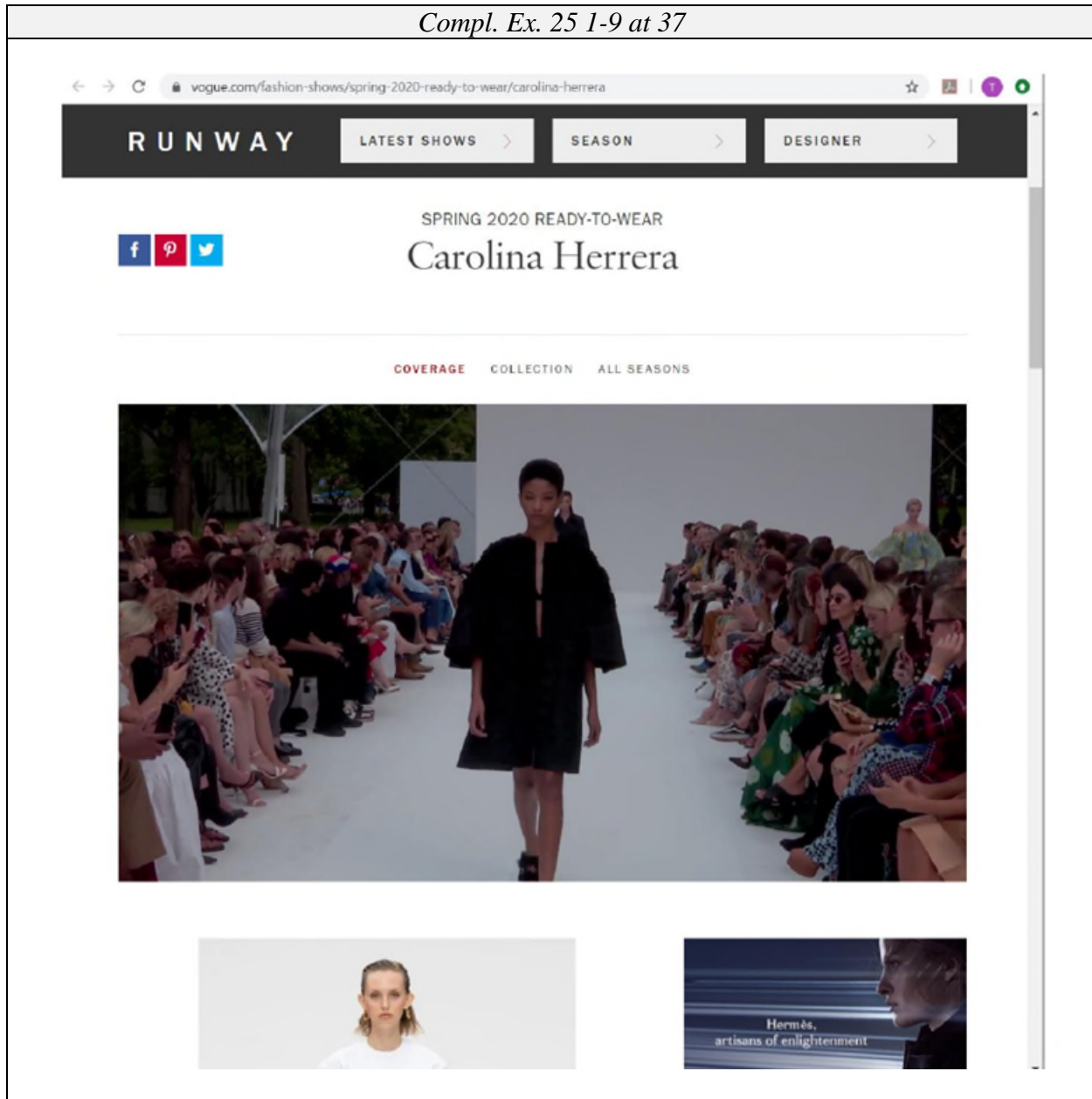
|| 4:21/14:10



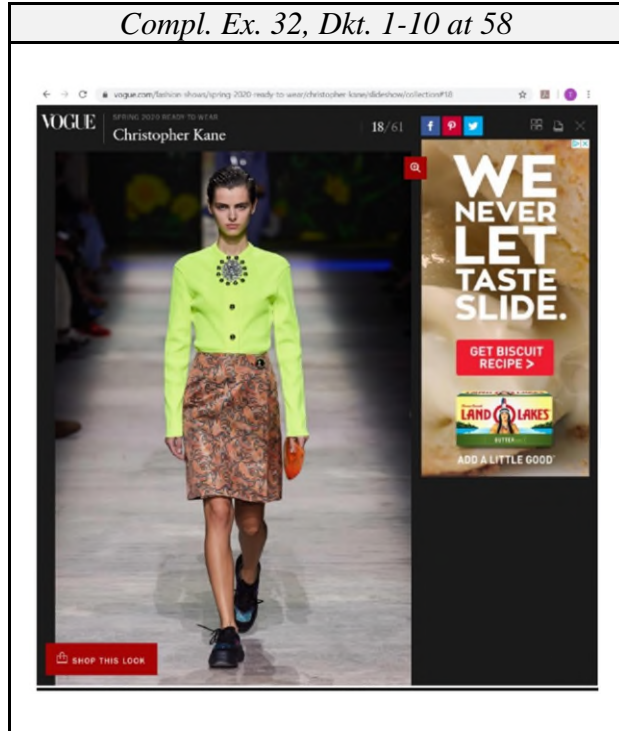
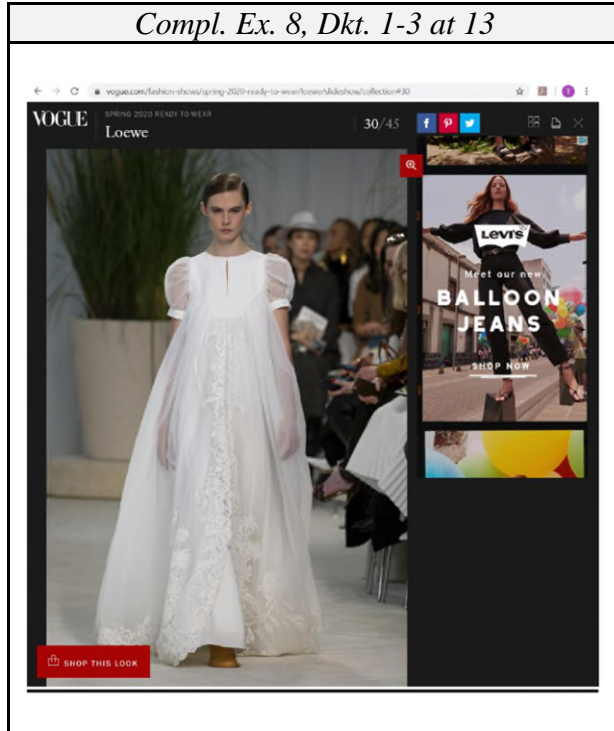
© 2020 Takeda

Compl. Ex. 10, Dkt. 1-4 at 7

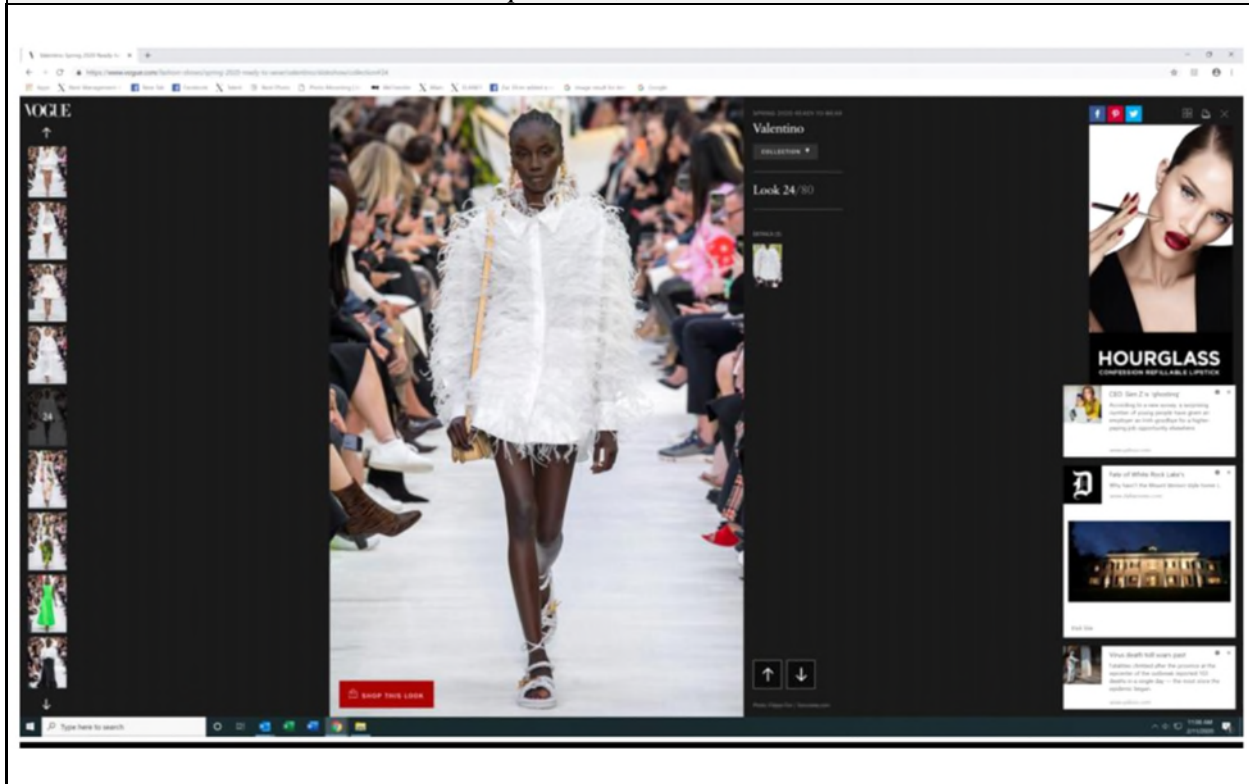


Compl. Ex. 25 1-9 at 37

54. As is standard online, advertising may include links to the product site, including (as illustrated below) a link to “shop now.” As illustrated by the following examples that are attached as exhibits to the Complaint, the Runway Editorial slideshows included various hyperlinks associated with *Vogue* advertisers including Levi’s and Land-o-lakes:

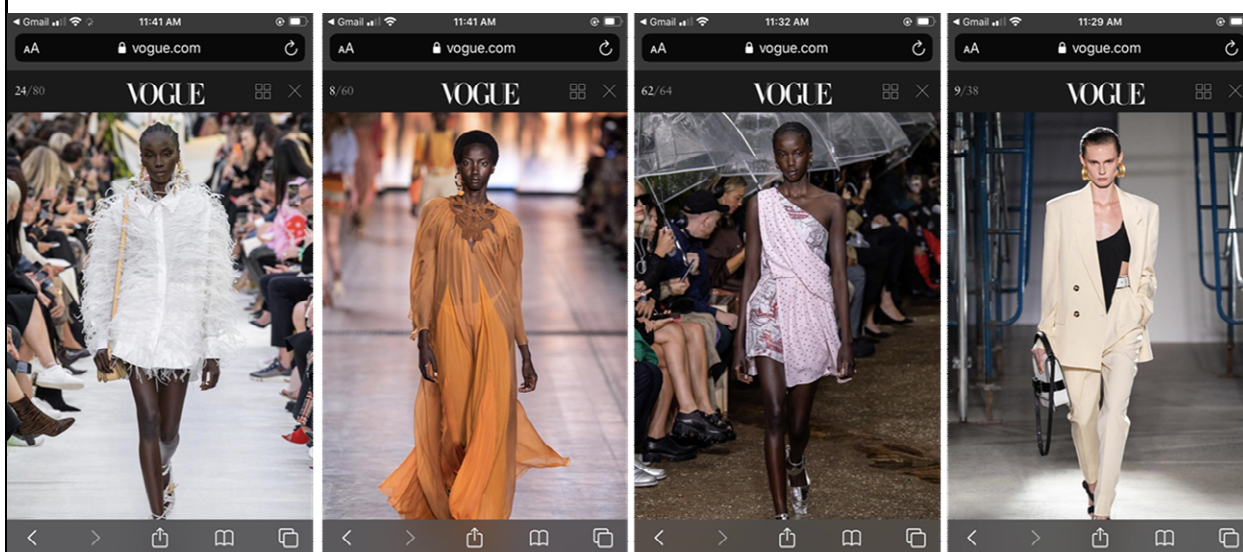
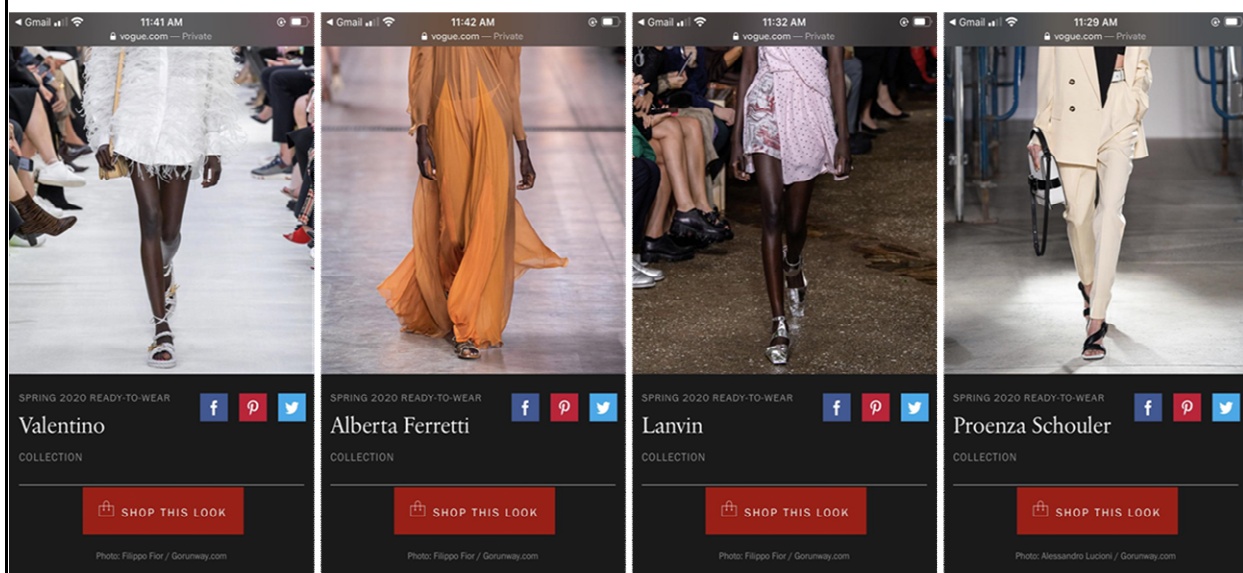


55. The Counterclaim Defendants do not take issue with the placement of the foregoing hyperlinks in proximity to their likenesses. Rather, the Counterclaim Defendants' right of publicity claims rest solely on the inclusion of very small hyperlinked boxes with the words, "SHOP THIS LOOK," that if clicked, led visitors to Moda's website. An example of this small, hyperlinked "SHOP THIS LOOK" box is pictured below:

Compl. Ex. 5, Dkt. 1-2 at 43

56. The “SHOP THIS LOOK” hyperlinked boxes do not include the word, “Moda” or any other indication of any association between the slide show and Moda. Prior to clicking on the link, the reader would have no way to associate the “SHOP THIS LOOK” button with Moda, let alone come away with the impression that the images were advertisements for Moda.

57. The placement of the hyperlinked box varied depending on the platform used to view the content. While the examples attached to the Complaint generally show the red box at the bottom of the image, the “SHOP THIS LOOK” box was displayed at the bottom of the screen when viewed on an iPhone 7 using the Safari browser:

Vogue Runway – As it Appeared in Safari on an iPhone 7*Vogue Runway - Safari iPhone 7 Scroll*

58. On certain of the designer landing pages, there was a second type of even smaller hyperlinked text box that appeared in the lower-left corner of the screen: these boxes displayed a small image of a shopping basket along with the words “BUY ON MODA OPERANDI.” The exhibits to the Complaint that are relevant to the Counterclaim Defendants show just two instances where this second link was used, and those exhibits crop out the editorial articles just below the

photos. *See* Compl. Ex. 25 1-8 at 46 and Ex. 40 1-13 at 52.

59. If a reader elected to click either the “SHOP THIS LOOK” button on the slide shows or the “BUY ON MODA OPERANDI” button on the landing pages, she would be taken to a page on the Moda website featuring a “trunk show,” which offered for sale the designer outfits featured in the runway photographs.

60. The Moda website is owned and controlled by Moda.

61. The Moda website does not include any reference to *Vogue*; nor do the Plaintiffs allege that *Vogue* or Conde Nast is in any way referenced or featured on the Moda website.

62. Taken in context, no reasonable reader of the Runway Editorial could believe that the images of the Counterclaim Defendants were used to advertise Moda or for any other advertising purposes. Rather, the context made abundantly clear that the images of Counterclaim Defendants were used to illustrate editorial coverage of the designer clothes they were modeling.

63. The purpose of the Runway Editorial was to report on designer fashions.

64. The Runway Editorial continues to be available online at *Vogue.com*, but does not currently include any “SHOP THIS LOOK” or “BUY ON MODA OPERANDI” buttons.

C. This Litigation

65. In or around May 2020, counsel for the Counterclaim Defendants contacted Conde Nast to discuss their right of publicity claims. Counsel for Conde Nast explained to counsel for the Counterclaim Defendants that their putative right of publicity claims had no basis under New York law.

66. Nevertheless, the Counterclaim Defendants commenced this lawsuit on September 4, 2020 with actual knowledge that their right of publicity claim was completely meritless. In addition to their right of publicity claims, the Complaint also asserted claims against Conde Nast

under Section 43(a) of the Lanham Act.

67. On October 20, 2020, counsel for Conde Nast sent an 11-page letter to counsel for the Counterclaim Defendants setting forth the myriad reasons why their right of publicity claims clearly fail as a matter of law, among other arguments. Conde Nast also warned in the letter that if this meritless lawsuit was not withdrawn, Conde Nast would seek recovery of its attorneys' fees. The Counterclaim Defendants refused to withdraw their meritless claims.

68. On January 15, 2021, Conde Nast moved to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

69. On September 22, 2021, this Court issued a Memorandum and Order Granting In Part and Denying In Part Conde Nast's motion to dismiss. Dkt. 51. The Court dismissed all of the Counterclaim Defendants' Lanham Act claims against Conde Nast, and dismissed as a matter of law the right of publicity claims asserted by 26 of the Counterclaim Defendants who reside outside New York. *Id.* The Court did not reach the merits of Counterclaim Defendants right of publicity claims.

70. In its decision, the Court made clear that "the Runway Editorial, viewed as a whole, is not commercial," and that "[c]ommon sense tells us that this is not a simple advertisement." Dkt. 51 at 16.

71. On October 20, 2021, counsel for Conde Nast sent a letter to counsel for the Counterclaim Defendants, urging them to withdraw their remaining state law claims against Conde Nast and advising that if they failed to do so, Conde Nast would seek damages under the anti-SLAPP statute. The Counterclaim Defendants ignored Conde Nast's letter.

COUNT 1
VIOLATION OF N.Y. CIVIL RIGHTS LAW §§ 70-a, 76-a

72. Pursuant to New York Civil Rights Law § 70-a, Conde Nast is entitled to maintain a counterclaim to recover its costs, attorneys' fees, compensatory damages, and punitive damages in this action.

73. This action commenced by Counterclaim Defendants is an "action involving public petition and participation," as defined by N.Y. Civil Rights Law Section 76-a, because it is based upon "lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest." N.Y. Civil Rights Law § 76-a(a)(1)-(2).

74. *Vogue* is a public forum.

75. Fashion news is a matter of public interest.

76. The Counterclaim Defendants commenced their right of publicity claims against Conde Nast even though those claims lacked any basis whatsoever in fact and law and could not be supported by any argument for the extension, modification or reversal of existing law. The Counterclaim Defendants have not even attempted to offer any arguments for such changes to existing law.

77. The Counterclaim Defendants continued their meritless right of publicity claims, even after Conde Nast set forth in detail why they could not prevail under the law or under the facts.

78. The right of publicity claims asserted in the Complaint are also without legal basis because the Runway Editorial is "plainly an 'expressive work' as that term is understood in First Amendment jurisprudence," MTD Order, Dkt. 51 at 17, and application of the right of publicity statute is strictly limited to uses that are "for advertising purposes or for the purposes of trade," N.Y. Civil Rights Law § 51. Conde Nast advised the Counterclaim Defendants of this in its

October 20 letter, but they nevertheless continued with their meritless claims.

79. The right of publicity claims asserted in the Complaint are also without legal basis because New York courts recognize that there is a well-established “newsworthiness” exception to liability under the right of publicity statute, and that exception has been held to apply to fashion reporting like the Runway Editorial at issue here. Conde Nast advised the Counterclaim Defendants of this in its October 20 letter, but they nevertheless continued with their meritless claims.

80. The Counterclaim Defendants were fully aware that their right of publicity claims against Conde Nast have no substantial basis in law or fact, yet they commenced and continue these meritless claims against Conde Nast for the purpose (indeed the sole purpose) of harassing, intimidating, punishing or otherwise maliciously inhibiting Conde Nast’s free exercise of speech.

PRAYER FOR RELIEF

WHEREFORE Conde Nast prays for judgment as follows:

1. that Plaintiffs be denied their requested relief in this action;
2. that judgment on Plaintiffs’ claims be entered in favor of Conde Nast and against Plaintiffs;
3. that Conde Nast recover its reasonable costs, attorneys’ fees, and disbursements;
4. that judgment on the Counterclaim be entered in favor of Conde Nast and against the Counterclaim Defendants;
5. that, pursuant to New York Civil Rights Law Section 70-a, Conde Nast be awarded its costs, attorneys’ fees, compensatory damages in an amount to be determined, and punitive damages; and

6. for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
November 12, 2021

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Elizabeth A. McNamara

Elizabeth A. McNamara

Adam I. Rich

1251 Avenue of the Americas, 21st Floor

New York, NY 10020-1104

(212) 489-8230 Phone

(212) 489-8340 Fax

Email: lizmcnamara@dwt.com

adamrich@dwt.com

*Attorneys for Defendants Advance Publications,
Inc. d/b/a Condé Nast and Advance Magazine
Publishers, Inc. d/b/a Condé Nast*